

complete and, if not complete, shall specify the additional material that the applicant must provide to complete the application.

(c) Exemption

In the case of a program for which the recipient of a grant, contract, or other financial assistance is specified by statute to be, or has customarily been, a State or an interstate fishery commission, such financial assistance may be provided by the Secretary to that recipient on a sole-source basis, notwithstanding any other provision of law.

(d) "Nondiscretionary assistance program" defined

In this section, the term "nondiscretionary assistance program" means any program for providing financial assistance—

- (1) under which the amount of funding for, and the intended recipient of, the financial assistance is specified by Congress; or
- (2) the recipients of which have customarily been a State or an interstate fishery commission.

(Pub. L. 102-567, title IV, § 404, Oct. 29, 1992, 106 Stat. 4292.)

§ 1540. Cooperative agreements

The Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, may enter into cooperative agreements and other financial agreements with any nonprofit organization to—

- (1) aid and promote scientific and educational activities to foster public understanding of the National Oceanic and Atmospheric Administration or its programs; and
- (2) solicit private donations for the support of such activities.

(Pub. L. 102-567, title IV, § 406, Oct. 29, 1992, 106 Stat. 4293.)

**CHAPTER 41—CONSUMER CREDIT PROTECTION**

**SUBCHAPTER 1—CONSUMER CREDIT COST DISCLOSURE**

**PART A—GENERAL PROVISIONS**

Sec.

1615. Prohibition on use of "Rule of 78's" in connection with mortgage refinancings and other consumer loans.
- (a) Prompt refund of unearned interest required.
  - (b) Use of "Rule of 78's" prohibited.
  - (c) Statement of prepayment amount.
  - (d) Definitions.

**SUBCHAPTER III—CREDIT REPORTING AGENCIES**

- 1681s-1. Information on overdue child support obligations.

**SUBCHAPTER I—CONSUMER CREDIT COST DISCLOSURE**

**SUBCHAPTER REFERRED TO IN OTHER SECTIONS**

This subchapter is referred to in section 5721 of this title; title 12 sections 2199, 2610, 3806; title 20 section 1083.

**PART A—GENERAL PROVISIONS**

**§ 1601. Congressional findings and declaration of purpose**

**SHORT TITLE OF 1992 AMENDMENT**

Pub. L. 102-537, § 1, Oct. 27, 1992, 106 Stat. 3531, provided that: "This Act [enacting section 1681s-1 of this title, amending section 1681a of this title, and enacting provisions set out as a note under section 1681a of this title] may be cited as the 'Ted Weiss Child Support Enforcement Act of 1992'."

**§ 1602. Definitions and rules of construction**

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 1615, 1631, 1635, 1638, 1667, 1693a, 1693g of this title; title 12 sections 1735f-5, 1735f-7a, 1834b, 2602, 3401; title 16 section 1030; title 42 section 5511.

**§ 1603. Exempted transactions**

**EXCEPTIONS IN AREAS WHERE MAJOR DISASTER EXISTS**

Board of Governors of Federal Reserve System authorized to make exceptions to requirements of this subchapter for transactions within an area in which the President has determined that a major disaster exists, if Board determines that exception can reasonably be expected to produce benefits to public that outweigh possible adverse effects, see section 3 of Pub. L. 102-485, set out as a note under section 4008 of Title 12, Banks and Banking.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 1645 of this title.

**§ 1607. Administrative enforcement**

**(a) Enforcing agencies**

Compliance with the requirements imposed under this subchapter shall be enforced under (1) section 8 of the Federal Deposit Insurance Act [12 U.S.C. 1818], in the case of—

(A) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25(a)<sup>1</sup> of the Federal Reserve Act [12 U.S.C. 601 et seq., 611 et seq.], by the Board; and

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 8 of the Federal Deposit Insurance Act [12 U.S.C. 1818], by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which

<sup>1</sup> See References in Text note below.

are insured by the Federal Deposit Insurance Corporation.

[See main edition for text of (3) to (6)]

The terms used in paragraph (1) that are not defined in this subchapter or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the meaning given to them in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).

[See main edition for text of (b) to (e)]

(As amended Pub. L. 101-73, title VII, § 744(k), Aug. 9, 1989, 103 Stat. 439; Pub. L. 102-242, title II, § 212(b), Dec. 19, 1991, 105 Stat. 2299; Pub. L. 102-550, title XVI, § 1604(a)(5), Oct. 28, 1992, 106 Stat. 4082.)

#### REFERENCES IN TEXT

Section 25(a) of the Federal Reserve Act, referred to in subsec. (a)(1)(B), which is classified to subchapter II (§ 611 et seq.) of chapter 6 of Title 12, Banks and Banking, was renumbered section 25A of that act by Pub. L. 102-242, title I, § 142(e)(2), Dec. 19, 1991, 105 Stat. 2281. Section 25 of the Federal Reserve Act is classified to subchapter I (§ 601 et seq.) of chapter 6 of Title 12.

#### AMENDMENTS

1992—Subsec. (a)(1)(C). Pub. L. 102-550 substituted semicolon for period at end.

1991—Subsec. (a). Pub. L. 102-242, § 212(b)(2), inserted at end "The terms used in paragraph (1) that are not defined in this subchapter or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the meaning given to them in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101)."

Pub. L. 102-242, § 212(b)(1), added par. (1) and struck out former par. (1) which read as follows: "section 8 of the Federal Deposit Insurance Act, in the case of

"(A) national banks, by the Comptroller of the Currency.

"(B) member banks of the Federal Reserve System (other than national banks), by the Board.

"(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation."

1989—Subsec. (a)(2). Pub. L. 101-73 amended par. (2) generally. Prior to amendment, par. (2) read as follows: "section 5(d) of the Home Owner's Loan Act of 1933, section 407 of the National Housing Act, and sections 6(l) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions."

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-550 effective as if included in the Federal Deposit Insurance Corporation Improvement Act of 1991, Pub. L. 102-242, as of Dec. 19, 1991, see section 1609(a) of Pub. L. 102-550, set out as a note under section 191 of Title 12, Banks and Banking.

**§ 1615. Prohibition on use of "Rule of 78's" in connection with mortgage refinancings and other consumer loans**

(a) Prompt refund of unearned interest required

(1) In general

If a consumer prepays in full the financed amount under any consumer credit transac-

tion, the creditor shall promptly refund any unearned portion of the interest charge to the consumer.

(2) Exception for refund of de minimus amount

No refund shall be required under paragraph (1) with respect to the prepayment of any consumer credit transaction if the total amount of the refund would be less than \$1.

(3) Applicability to refinanced transactions and acceleration by the creditor

This subsection shall apply with respect to any prepayment of a consumer credit transaction described in paragraph (1) without regard to the manner or the reason for the prepayment, including—

(A) any prepayment made in connection with the refinancing, consolidation, or restructuring of the transaction; and

(B) any prepayment made as a result of the acceleration of the obligation to repay the amount due with respect to the transaction.

(b) Use of "Rule of 78's" prohibited

For the purpose of calculating any refund of interest required under subsection (a) of this section for any precomputed consumer credit transaction of a term exceeding 61 months which is consummated after September 30, 1993, the creditor shall compute the refund based on a method which is at least as favorable to the consumer as the actuarial method.

(c) Statement of prepayment amount

(1) In general

Before the end of the 5-day period beginning on the date an oral or written request is received by a creditor from a consumer for the disclosure of the amount due on any precomputed consumer credit account, the creditor or assignee shall provide the consumer with a statement of—

(A) the amount necessary to prepay the account in full; and

(B) if the amount disclosed pursuant to subparagraph (A) includes an amount which is required to be refunded under this section with respect to such prepayment, the amount of such refund.

(2) Written statement required if request is in writing

If the customer's request is in writing, the statement under paragraph (1) shall be in writing.

(3) 1 free annual statement

A consumer shall be entitled to obtain 1 statement under paragraph (1) each year without charge.

(4) Additional statements subject to reasonable fees

Any creditor may impose a reasonable fee to cover the cost of providing any statement under paragraph (1) to any consumer in addition to the 1 free annual statement required under paragraph (3) if the amount of the charge for such additional statement is disclosed to the consumer before furnishing such statement.

**(d) Definitions**

For the purpose of this section—

**(1) Actuarial method**

The term “actuarial method” means the method of allocating payments made on a debt between the amount financed and the finance charge pursuant to which a payment is applied first to the accumulated finance charge and any remainder is subtracted from, or any deficiency is added to, the unpaid balance of the amount financed.

**(2) Consumer, credit**

The terms “consumer” and “creditor” have the meanings given to such terms in section 1602 of this title.

**(3) Creditor**

The term “creditor”—

(A) has the meaning given to such term in section 1602 of this title; and

(B) includes any assignee of any creditor with respect to credit extended in connection with any consumer credit transaction and any subsequent assignee with respect to such credit.

(Pub. L. 102-550, title IX, § 933, Oct. 28, 1992, 106 Stat. 3891.)

**CODIFICATION**

Section was enacted as part of the Housing and Community Development Act of 1992, and not as part of the Consumer Credit Protection Act which comprises this chapter.

**PART B—CREDIT TRANSACTIONS****§ 1647. Home equity plans****SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 1637a of this title; title 12 section 1715z-20.

**PART D—CREDIT BILLING****PART REFERRED TO IN OTHER SECTIONS**

This part is referred to in sections 1602, 1604, 1632, 1640, 5721 of this title.

**SUBCHAPTER II—RESTRICTIONS ON GARNISHMENT****§ 1673. Restriction on garnishment****SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 1675 of this title; title 28 sections 3002, 3003; title 29 section 1056; title 42 sections 665, 666.

**SUBCHAPTER III—CREDIT REPORTING AGENCIES****§ 1681a. Definitions; rules of construction**

*[See main edition for text of (a) to (i)]*

**(j) DEFINITIONS RELATING TO CHILD SUPPORT OBLIGATIONS.—**

(1) **OVERDUE SUPPORT.**—The term “overdue support” has the meaning given to such term in section 666(e) of title 42.

(2) **STATE OR LOCAL CHILD SUPPORT ENFORCEMENT AGENCY.**—The term “State or local child support enforcement agency” means a State

or local agency which administers a State or local program for establishing and enforcing child support obligations.

(As amended Pub. L. 102-537, § 2(b), Oct. 27, 1992, 106 Stat. 3531.)

**AMENDMENTS**

1992—Subsec. (j). Pub. L. 102-537 added subsec. (j).

**EFFECTIVE DATE OF 1992 AMENDMENTS**

Section 2(d) of Pub. L. 102-537 provided that: “The amendments made by this section [enacting section 1681s-1 of this title and amending this section] shall take effect on January 1, 1993.”

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 1692d, 1692e of this title; title 12 section 2605; title 18 section 1030; title 26 sections 6103, 7609; title 31 section 3701; title 38 section 5701; title 42 section 666.

**§ 1681b. Permissible purposes of consumer reports**

A consumer reporting agency may furnish a consumer report under the following circumstances and no other:

(1) In response to the order of a court having jurisdiction to issue such an order, or a subpoena issued in connection with proceedings before a Federal grand jury.

*[See main edition for text of (2) and (3)]*

(As amended Pub. L. 101-73, title IX, § 964(c), Aug. 9, 1989, 103 Stat. 506.)

**AMENDMENTS**

1989—Par. (1). Pub. L. 101-73 inserted “, or a subpoena issued in connection with proceedings before a Federal grand jury” before period at end.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 1681a, 1681e, 1681f, 1681s-1, 1692d of this title.

**§ 1681s. Administrative enforcement**

*[See main edition for text of (a)]*

**(b) Other administrative bodies**

Compliance with the requirements imposed under this subchapter with respect to consumer reporting agencies and persons who use consumer reports from such agencies shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act [12 U.S.C. 1818], in the case of—

(A) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25(a)<sup>1</sup> of the Federal Reserve Act [12

<sup>1</sup> See References in Text note below.

U.S.C. 601 et seq., 611 et seq.], by the Board of Governors of the Federal Reserve System; and

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 8 of the Federal Deposit Insurance Act [12 U.S.C. 1818], by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation;

[See main edition for text of (3) to (6)]

The terms used in paragraph (1) that are not defined in this subchapter or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the meaning given to them in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).

[See main edition for text of (c)]

(As amended Pub. L. 101-73, title VII, § 744(l), Aug. 9, 1989, 103 Stat. 439; Pub. L. 102-242, title II, § 212(c), Dec. 19, 1991, 105 Stat. 2300; Pub. L. 102-550, title XVI, § 1604(a)(6), Oct. 28, 1992, 106 Stat. 4082.)

#### REFERENCES IN TEXT

Section 25(a) of the Federal Reserve Act, referred to in subsec. (b)(1)(B), which is classified to subchapter II (§ 611 et seq.) of chapter 6 of Title 12, Banks and Banking, was renumbered section 25A of that act by Pub. L. 102-242, title I, § 142(e)(2), Dec. 19, 1991, 105 Stat. 2281. Section 25 of the Federal Reserve Act is classified to subchapter I (§ 601 et seq.) of chapter 6 of Title 12.

#### AMENDMENTS

1992—Subsec. (b)(1)(C). Pub. L. 102-550 substituted semicolon for period at end.

1991—Subsec. (b). Pub. L. 102-242, § 212(c)(2), inserted at end “The terms used in paragraph (1) that are not defined in this subchapter or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the meaning given to them in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).”

Pub. L. 102-242, § 212(c)(1), added par. (1) and struck out former par. (1) which read as follows: “section 8 of the Federal Deposit Insurance Act, in the case of:

“(A) national banks, by the Comptroller of the Currency;

“(B) member banks of the Federal Reserve System (other than national banks), by the Federal Reserve Board; and

“(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation.”

1989—Subsec. (b)(2). Pub. L. 101-73 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “section 5(d) of the Home Owners Loan Act of 1933, section 407 of the National Housing Act, and sections 6(i) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions;”

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-550 effective as if included in the Federal Deposit Insurance Corporation Im-

provement Act of 1991, Pub. L. 102-242, as of Dec. 19, 1991, see section 1609(a) of Pub. L. 102-550, set out as a note under section 191 of Title 12, Banks and Banking.

#### § 1681a-1. Information on overdue child support obligations

Notwithstanding any other provision of this subchapter, a consumer reporting agency shall include in any consumer report furnished by the agency in accordance with section 1681b of this title, any information on the failure of the consumer to pay overdue support which—

(1) is provided—

(A) to the consumer reporting agency by a State or local child support enforcement agency; or

(B) to the consumer reporting agency and verified by any local, State, or Federal Government agency; and

(2) antedates the report by 7 years or less.

(Pub. L. 90-321, title VI, § 622, as added Pub. L. 102-537, § 2(a), Oct. 27, 1992, 106 Stat. 3531.)

#### PRIOR PROVISIONS

A prior section 622 of Pub. L. 90-321 was renumbered section 623 and is classified to section 1681t of this title.

#### EFFECTIVE DATE

Section effective Jan. 1, 1993, see section 2(d) of Pub. L. 102-537, set out as an Effective Date of 1992 Amendment note under section 1681a of this title.

#### § 1681t. Relation to State laws

[See main edition for text]

(Pub. L. 90-321, title VI, § 623, formerly § 622, as added Pub. L. 91-508, title VI, § 601, Oct. 26, 1970, 84 Stat. 1136; renumbered § 623, Pub. L. 102-537, § 2(a), Oct. 27, 1992, 106 Stat. 3531.)

### SUBCHAPTER IV—EQUAL CREDIT OPPORTUNITY

#### SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 12 sections 1708, 4545; title 42 section 3608.

#### § 1691. Scope of prohibition

[See main edition for text of (a) to (d)]

(e) Appraisals; copies of reports to applicants; costs

Each creditor shall promptly furnish a applicant, upon written request by the applicant made within a reasonable period of time of the application, a copy of the appraisal report used in connection with the applicant's application for a loan that is or would have been secured by a lien on residential real property. The creditor may require the applicant to reimburse the creditor for the cost of the appraisal.

(As amended Pub. L. 102-242, title II, § 223(d), Dec. 19, 1991, 105 Stat. 2306.)

#### AMENDMENTS

1991—Subsec. (e). Pub. L. 102-242 added subsec. (e).

**§ 1691c. Administrative enforcement****(a) Enforcing agencies**

Compliance with the requirements imposed under this subchapter shall be enforced under:

(1) section 8 of the Federal Deposit Insurance Act [12 U.S.C. 1818], in the case of—

(A) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25(a)<sup>1</sup> of the Federal Reserve Act [12 U.S.C. 601 et seq., 611 et seq.], by the Board; and

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) Section 8 of the Federal Deposit Insurance Act [12 U.S.C. 1818], by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation.

*[See main edition for text of (3) to (9)]*

The terms used in paragraph (1) that are not defined in this subchapter or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the meaning given to them in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).

*[See main edition for text of (b) to (d)]*

(As amended Pub. L. 101-73, title VII, § 744(m), Aug. 9, 1989, 103 Stat. 439; Pub. L. 102-242, title II, § 212(d), Dec. 19, 1991, 105 Stat. 2300; Pub. L. 102-550, title XVI, § 1604(a)(7), Oct. 28, 1992, 106 Stat. 4082.)

**REFERENCES IN TEXT**

Section 25(a) of the Federal Reserve Act, referred to in subsec. (a)(1)(B), which is classified to subchapter II (§ 611 et seq.) of chapter 6 of Title 12, Banks and Banking, was renumbered section 25A of that act by Pub. L. 102-242, title I, § 142(e)(2), Dec. 19, 1991, 105 Stat. 2281. Section 25 of the Federal Reserve Act is classified to subchapter I (§ 601 et seq.) of chapter 6 of Title 12.

**AMENDMENTS**

1992—Subsec. (a)(1)(C). Pub. L. 102-550 substituted semicolon for period at end.

1991—Subsec. (a). Pub. L. 102-242, § 212(d)(2), inserted at end “The terms used in paragraph (1) that are not defined in this subchapter or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the meaning given to them in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).”

<sup>1</sup> See References in Text note below.

Pub. L. 102-242, § 212(d)(1), added par. (1) and struck out former par. (1) which read as follows: “Section 8 of Federal Deposit Insurance Act, in the case of—

“(A) national banks, by the Comptroller of the Currency,

“(B) member banks of the Federal Reserve System (other than national banks), by the Federal Reserve Board,

“(C) banks the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation.”

1989—Subsec. (a)(2). Pub. L. 101-73 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “Section 5(d) of the Home Owners’ Loan Act of 1933, section 407 of the National Housing Act, and sections 6(i) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions.”

**EFFECTIVE DATE OF 1992 AMENDMENT**

Amendment by Pub. L. 102-550 effective as if included in the Federal Deposit Insurance Corporation Improvement Act of 1991, Pub. L. 102-242, as of Dec. 19, 1991, see section 1609(a) of Pub. L. 102-550, set out as a note under section 191 of Title 12, Banks and Banking.

**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 1691e, 1691f of this title; title 12 section 4545; title 49 App. section 1553.

**§ 1691e. Civil liability**

*[See main edition for text of (a) to (f)]*

(g) Request by responsible enforcement agency to Attorney General for civil action

The agencies having responsibility for administrative enforcement under section 1691c of this title, if unable to obtain compliance with section 1691 of this title, are authorized to refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted. Each agency referred to in paragraphs (1), (2), and (3) of section 1691c(a) of this title shall refer the matter to the Attorney General whenever the agency has reason to believe that 1 or more creditors has engaged in a pattern or practice of discouraging or denying applications for credit in violation of section 1691(a) of this title. Each such agency may refer the matter to the Attorney General whenever the agency has reason to believe that 1 or more creditors has violated section 1691(a) of this title.

(h) Authority for Attorney General to bring civil action; jurisdiction

When a matter is referred to the Attorney General pursuant to subsection (g) of this section, or whenever he has reason to believe that one or more creditors are engaged in a pattern or practice in violation of this subchapter, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including actual and punitive damages and injunctive relief.

[See main edition for text of (i) and (j)]

(k) Notice to HUD of violations

Whenever an agency referred to in paragraph (1), (2), or (3) of section 1691(c) of this title—

(1) has reason to believe, as a result of receiving a consumer complaint, conducting a consumer compliance examination, or otherwise, that a violation of this subchapter has occurred;

(2) has reason to believe that the alleged violation would be a violation of the Fair Housing Act [42 U.S.C. 3601 et seq.]; and

(3) does not refer the matter to the Attorney General pursuant to subsection (g) of this section,

the agency shall notify the Secretary of Housing and Urban Development of the violation, and shall notify the applicant that the Secretary of Housing and Urban Development has been notified of the alleged violation and that remedies for the violation may be available under the Fair Housing Act.

(As amended Pub. L. 102-242, title II, § 223(a)-(c), Dec. 19, 1991, 105 Stat. 2306.)

REFERENCES IN TEXT

Section 3612 of title 42, referred to in subsec. (i), which related to enforcement of the Fair Housing Act (42 U.S.C. 3601 et seq.) by private persons, was repealed by Pub. L. 100-430, § 8(2), Sept. 13, 1988, 102 Stat. 1625. See section 3613 of Title 42, The Public Health and Welfare.

The Fair Housing Act, referred to in subsec. (k), is title VIII of Pub. L. 90-284, Apr. 11, 1968, 82 Stat. 81, as amended, which is classified principally to subchapter I (§ 3601 et seq.) of chapter 45 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of Title 42 and Tables.

AMENDMENTS

1991—Subsec. (g). Pub. L. 102-242, § 223(a), inserted at end “Each agency referred to in paragraphs (1), (2), and (3) of section 1691(c) of this title shall refer the matter to the Attorney General whenever the agency has reason to believe that 1 or more creditors has engaged in a pattern or practice of discouraging or denying applications for credit in violation of section 1691(a) of this title. Each such agency may refer the matter to the Attorney General whenever the agency has reason to believe that 1 or more creditors has violated section 1691(a) of this title.”

Subsec. (h). Pub. L. 102-242, § 223(b), inserted “actual and punitive damages and” after “be appropriate, including”.

Subsec. (k). Pub. L. 102-242, § 223(c), added subsec. (k).

SUBCHAPTER V—DEBT COLLECTION PRACTICES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 31 section 3718.

§ 1692I. Administrative enforcement

[See main edition for text of (a)]

(b) Applicable provisions of law

Compliance with any requirements imposed under this subchapter shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act [12 U.S.C. 1818], in the case of—

(A) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25(a)<sup>1</sup> of the Federal Reserve Act [12 U.S.C. 601 et seq., 611 et seq.], by the Board of Governors of the Federal Reserve System; and

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 8 of the Federal Deposit Insurance Act [12 U.S.C. 1818], by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation;

[See main edition for text of (3) to (6)]

The terms used in paragraph (1) that are not defined in this subchapter or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the meaning given to them in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).

[See main edition for text of (c) and (d)]

(As amended Pub. L. 101-73, title VII, § 744(n), Aug. 9, 1989, 103 Stat. 440; Pub. L. 102-242, title II, § 212(e), Dec. 19, 1991, 105 Stat. 2301; Pub. L. 102-550, title XVI, § 1604(a)(8), Oct. 28, 1992, 106 Stat. 4082.)

REFERENCES IN TEXT

Section 25(a) of the Federal Reserve Act, referred to in subsec. (b)(1)(B), which is classified to subchapter II (§ 611 et seq.) of chapter 6 of Title 12, Banks and Banking, was renumbered section 25A of that act by Pub. L. 102-242, title I, § 142(e)(2), Dec. 19, 1991, 105 Stat. 2281. Section 25 of the Federal Reserve Act is classified to subchapter I (§ 601 et seq.) of chapter 6 of Title 12.

AMENDMENTS

1992—Subsec. (b)(1)(C). Pub. L. 102-550 substituted semicolon for period at end.

1991—Subsec. (b). Pub. L. 102-242, § 212(e)(2), inserted at end “The terms used in paragraph (1) that are not defined in this subchapter or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the meaning given to them in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).”

Pub. L. 102-242, § 212(e)(1), added par. (1) and struck out former par. (1) which read as follows: “sec-

<sup>1</sup> See References in Text note below.

tion 8 of Federal Deposit Insurance Act, in the case of—

“(A) national banks, by the Comptroller of the Currency;

“(B) member banks of the Federal Reserve System (other than national banks), by the Federal Reserve Board; and

“(C) banks the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation;”

1989—Subsec. (b)(2). Pub. L. 101-73 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “section 5(d) of the Home Owners Loan Act of 1933, section 407 of the National Housing Act, and sections 6(i) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions;”

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-550 effective as if included in the Federal Deposit Insurance Corporation Improvement Act of 1991, Pub. L. 102-242, as of Dec. 19, 1991, see section 1609(a) of Pub. L. 102-550, set out as a note under section 191 of Title 12, Banks and Banking.

### SUBCHAPTER VI—ELECTRONIC FUND TRANSFERS

#### § 1693o. Administrative enforcement

##### (a) Enforcing agencies

Compliance with the requirements imposed under this subchapter shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act [12 U.S.C. 1818], in the case of—

(A) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25(a)<sup>1</sup> of the Federal Reserve Act [12 U.S.C. 601 et seq., 611 et seq.], by the Board; and

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 8 of the Federal Deposit Insurance Act [12 U.S.C. 1818], by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation;

[See main edition for text of (3) to (5)]

The terms used in paragraph (1) that are not defined in this subchapter or otherwise defined

in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the meaning given to them in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).

[See main edition for text of (b) and (c)]

(As amended Pub. L. 101-73, title VII, § 744(o), Aug. 9, 1989, 103 Stat. 440; Pub. L. 102-242, title II, § 212(f), Dec. 19, 1991, 105 Stat. 2301.)

#### REFERENCES IN TEXT

Section 25(a) of the Federal Reserve Act, referred to in subsec. (a)(1)(B), which is classified to subchapter II (§ 611 et seq.) of chapter 6 of Title 12, Banks and Banking, was renumbered section 25A of that act by Pub. L. 102-242, title I, § 142(e)(2), Dec. 19, 1991, 105 Stat. 2281. Section 25 of the Federal Reserve Act is classified to subchapter I (§ 601 et seq.) of chapter 6 of Title 12.

#### AMENDMENTS

1991—Subsec. (a). Pub. L. 102-242, § 212(f)(2), inserted at end “The terms used in paragraph (1) that are not defined in this subchapter or otherwise defined in section 3(s) of the Federal Deposit Insurance Act (12 U.S.C. 1813(s)) shall have the meaning given to them in section 1(b) of the International Banking Act of 1978 (12 U.S.C. 3101).”

Pub. L. 102-242, § 212(f)(1), added par. (1) and struck out former par. (1) which read as follows: “section 8 of the Federal Deposit Insurance Act, in the case of—

“(A) national banks, by the Comptroller of the Currency;

“(B) member banks of the Federal Reserve System (other than national banks), by the Board;

“(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System), by the Board of Directors of the Federal Deposit Insurance Corporation;”

1989—Subsec. (a)(2). Pub. L. 101-73 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “section 5(d) of the Home Owners’ Loan Act of 1933, section 407 of the National Housing Act, and sections 6(i) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions;”

### CHAPTER 42—INTERSTATE LAND SALES

Sec.

#### 1717a. Civil money penalties.

(a) In general.

(b) Agency procedures.

(c) Judicial review of agency determination.

(d) Action to collect penalty.

(e) Settlement by Secretary.

(f) “Knowingly” defined.

(g) Regulations.

(h) Use of penalties for administration.

#### § 1710. Court review of orders

##### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1717a of this title.

#### § 1717a. Civil money penalties

##### (a) In general

###### (1) Authority

Whenever any person knowingly and materially violates any of the provisions of this chapter or any rule, regulation, or order

<sup>1</sup> See References in Text note below.